

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HARRY WORTHINGTON KEENAN, JOSEPH  
LYDE AMSLER, and JOHN WILLIAM  
WIN,

Defendants.

No. 33087-CD

Los Angeles, California  
February 10, 1964

GOVERNMENT'S OPENING STATEMENT



1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF CALIFORNIA  
3 CENTRAL DIVISION

4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 vs.

7 BARRY WORTHINGTON KEENAN, JOSEPH )  
8 CLYDE AMSLER, and JOHN WILLIAM )  
9 IRWIN, )

Defendants. )

No. 33087-CD

Los Angeles, California  
February 10, 1964

10 -----  
11 GOVERNMENT'S OPENING STATEMENT

12 BEFORE:

13 The Honorable William G. East, United States  
14 District Court Judge.

15 APPEARANCES:

16 Mr. Thomas Sheridan, Assistant United States  
Attorney, appearing in behalf of the Government;

17 Mr. Charles Crouch, Counsel for the Defendant  
18 Keenan; Messrs. Morris A. Lavine and George  
19 Forde, Co-counsel for the Defendant Amsler;  
20 Mrs. Gladys Towles Root, Counsel for the  
21 Defendant Irwin.  
22  
23  
24  
25



\* \* \* \* \*

THE COURT: The jury may hear the Government's opening statement.

OPENING STATEMENT

BY MR. SHERIDAN:

Your Honor, counsel, ladies and gentlemen of the jury: At this time I have an opportunity to tell you where the Government is going in this case; that is, what we intend to prove in the case.

When you were sworn in as jurors and when you were first called as prospective jurors, the Court outlined to you in general the Indictment. I am going to take this moment to read the Indictment to you, because it is the Government's intention to prove each and every essential allegation and each of the six counts of the Indictment.

As the Court told you, Count 1 of the Indictment is a conspiracy count, and it reads as follows: "Beginning on or about October 24, 1963, and continuing until on or about December 14, 1963, the Defendants Barry Worthington Keenan, Joseph Clyde Amsler, and John William Irwin agreed, confederated and conspired together and with each other to commit offenses against the United States as follows: 1, to unlawfully seize, kidnap, carry away and hold for ransom and reward Frank Sinatra, Jr. and transport him in interstate commerce in violation of 18 United States



1 Code, Section 1201; 2, to transmit in interstate commerce  
2 communications demanding and requesting ransom and reward  
3 for the release of kidnap victim Frank Sinatra, Jr., in  
4 violation of 18 United States Code, Section 1875(a); and  
5 3, to receive, possess, and dispose of ransom money to be  
6 delivered for the release of kidnap victim Frank Sinatra,  
7 Jr. after he was kidnapped and transported in interstate  
8 commerce in violation of 18 United States Code, Section  
9 1202.

10 "The objects of said conspiracy were to kidnap, trans-  
11 port and obtain \$240,000 in ransom money for the release of  
12 Frank Sinatra, Jr. To effect the objects of said conspiracy,  
13 the Defendants committed diverse overt acts in the Central  
14 Division of the Southern District of California, among which  
15 are the following: Number 1, on or about October 24, 1963,  
16 Defendant Keenan wrote a letter.

17 "2. On about November 15, 1963, Defendant Keenan  
18 rented 8143 Mason Avenue, Canoga Park, California, in the  
19 name of Frank A. Long.

20 "3. On or about November 19, 1963, Defendant Keenan  
21 arranged for the installation of a telephone and extension  
22 at 8143 Mason Avenue, Canoga Park, California.

23 "4. On or about November 21, 1963, Defendant Keenan  
24 rented a room at the Farmer's Daughter Motel.

25 "5. On or about November 29, 1963, Defendants Amsler





1 and Irwin met and stayed at the Farmer's Daughter Motel.

2 "6. On or about December 4, 1963, Defendants Keenan  
3 and Amsler departed from Los Angeles with two handguns.

4 "7. On or about December 9, 1963, Defendants Keenan  
5 and Amsler placed Frank Sinatra, Jr. in 8143 Mason Avenue,  
6 Canoga Park, California.

7 "8. On or about December 9, 1963, Defendant Irwin  
8 guarded Frank Sinatra, Jr.

9 "9. On or about December 9, 1963, Defendants Keenan  
10 and Irwin drove to the Beverly Hilton Hotel, Beverly Hills,  
11 California.

12 "10. On or about December 9, 1963, at 3:30 p.m.,  
13 Defendant Keenan rented a car.

14 "11. On or about December 9, 1963, Defendant Amsler  
15 guarded Frank Sinatra, Jr.

16 "12. On or about December 9, 1963, at 4:45 p.m.,  
17 Defendant Irwin telephoned Reno, Nevada.

18 "13. On or about December 10, 1963, at 9:05 a.m.,  
19 Defendant Irwin telephoned Reno, Nevada.

20 "14. On or about December 10, 1963, at 11:40 a.m.,  
21 Defendant Irwin telephoned Reno, Nevada.

22 "15. On or about December 10, 1963, at 11:50 a.m.,  
23 Defendant Irwin telephoned Reno, Nevada.

24 "16. On or about December 10, 1963, at 12:28 p.m.,  
25 Defendant Irwin telephoned Reno, Nevada.



1 "17. On or about December 10, 1963, at 12:50 p.m.,  
2 Defendant Irwin telephoned Carson City, Nevada.

3 "18. On or about December 10, 1963, at 1:10 p.m.,  
4 Defendant Irwin telephoned Carson City, Nevada.

5 "19. On or about December 10, 1963, at 9:26 p.m.,  
6 Defendant Irwin telephoned a residence in Bellair, Cali-  
7 fornia.

8 "20. On or about December 10, 1963, at 9:57 p.m.,  
9 Defendant Irwin telephoned on a public telephone at a gas  
10 station at Camden Drive and Santa Monica Boulevard, Beverly  
11 Hills, California.

12 "21. On or about December 10, 1963, at 10:00 p.m.,  
13 Defendants Keenan and Amsler left 8143 Mason Avenue,  
14 Canoga Park, California.

15 "22. On or about December 10, 1963, at 11:12 p.m.,  
16 Defendant Keenan telephoned a public telephone at Western  
17 Airlines Terminal, Los Angeles, California.

18 "23. On or about December 11, 1963, at 12:03 a.m.,  
19 Defendant Keenan telephoned a public telephone at a gas  
20 station at Sepulveda Boulevard and Olympic Boulevard,  
21 Los Angeles, California.

22 "24. On or about December 11, 1963, at 12:20 a.m.,  
23 Defendant Keenan telephoned a public telephone at a gas  
24 station at Cashmier and Sepulveda Boulevard, Los Angeles,  
25 California.



1 "25. On or about December 11, 1963, at 12:45 a.m.,  
2 Defendant Keenan picked up a black valise at a gas station  
3 at Cashmier and Sepulvida Boulevard, Los Angeles, California.

4 "26. On or about December 11, 1963, at 1:00 a.m.,  
5 Defendant Irwin drove Frank Sinatra, Jr. from 8143 Mason  
6 Avenue, Canoga Park, California.

7 "27. On or about December 11, 1963, the three  
8 Defendants had a meeting.

9 "28. On or about December 11, 1963, Defendant Irwin  
10 accepted \$50,000, in violation of 18 United States Code,  
11 Section 371."

12 That is the first count in the Indictment.

13 Count 2: "On or about December 8, 1963, Defendants  
14 Barry Worthington Keenan and Joseph Clyde Amsler knowingly  
15 transported in interstate commerce from Stateline, Cali-  
16 fornia into the State of Nevada and then into Los Angeles  
17 County, California, within the Central Division of the  
18 Southern District of California, one Frank Sinatra, Jr.,  
19 who had theretofore been unlawfully seized, kidnapped and  
20 carried away and held for ransom, as the Defendants then  
21 and there well knew, and at said time and place Defendant  
22 John William Irwin aided, abetted, counseled, induced,  
23 commanded and procured the commission of the above-alleged  
24 offense."

25 Counts 3, 4, and 5 are all of the same type. I will



1 read them quickly.

2 Count 3: "On or about December 10, 1963, at 9:05 a.m.,  
3 Defendant John William Irwin knowingly transmitted in  
4 interstate commerce from Los Angeles County, California,  
5 within the Central Division of the Southern District of  
6 California, to Reno, Nevada, a communication by telephone  
7 containing a demand and request for ransom and reward for  
8 the release of Frank Sinatra, Jr., who had been kidnapped  
9 and was then and there being held for ransom as the  
10 Defendants then and there well knew; and at said time and  
11 place, the Defendants Barry Worthington Keenan and Joseph  
12 Clyde Amsler aided, abetted, counseled, induced, commanded  
13 and procured the commission of the above-alleged offense."

14 Count 4: "On or about December 10, 1963, at 12:50 p.m.,  
15 Defendant John William Irwin knowingly transmitted in inter-  
16 state commerce from Los Angeles County, California, within  
17 the Central Division of the Southern District of California,  
18 to Carson City, Nevada, a communication by telephone con-  
19 taining a demand and request for ransom and reward for the  
20 release of Frank Sinatra, Jr. who had been kidnapped and  
21 was then and there being held for ransom as the Defendants  
22 then and there well knew; and at said time and place,  
23 Defendants Barry Worthington Keenan and Joseph Clyde Amsler  
24 aided, abetted, counseled, induced, commanded and procured  
25 the commission of the above-alleged offense."





1 Count 5: "On or about December 10, 1963, at 1:10 p.m.,  
2 Defendant John William Irwin knowingly transmitted in inter-  
3 state commerce from Los Angeles County, California, within  
4 the Central Division of the Southern District of California,  
5 to Carson City, Nevada, a communication by telephone con-  
6 taining a demand and request for ransom and reward for the  
7 release of Frank Sinatra, Jr., who had been kidnapped and  
8 was then and there being held for ransom as the Defendants  
9 then and there well knew, and at said time and place, the  
10 Defendants Barry Worthington Keenan and Joseph Clyde Amsler  
11 aided, abetted, counseled, induced, commanded and procured  
12 the commission of the above-alleged offense."

13 Count 6 of the Indictment: "Beginning on or about  
14 December 11, 1963, and continuing to December 14, 1963,  
15 Defendants Barry Worthington Keenan, Joseph Clyde Amsler,  
16 and John William Irwin, within the Central Division of the  
17 Southern District of California, knowingly and willfully  
18 received, possessed and disposed of \$239,985, which had  
19 on December 11, 1963, been delivered as ransom and reward  
20 in connection with the unlawful seizure, kidnapping,  
21 abduction and carrying away and holding for ransom and  
22 reward of Frank Sinatra, Jr., who theretofore had been  
23 kidnapped and then transported in interstate commerce from  
24 Stateline, California, into the State of Nevada, and then  
25 into Los Angeles County, California, in violation of



1 18 United States Code, Section 1201; and at the above-  
2 mentioned times, each of the Defendants knew that the money  
3 had been delivered as such ransom and reward."

4 I point out just by way of quick review on the Indict-  
5 ment, Count 1 is a conspiracy count and has 28 overt acts  
6 alleged in the conspiracy count. Count 2 alleges the  
7 kidnapping and the interstate transportation of the victim  
8 Frank Sinatra, Jr. Counts 3, 4 and 5 are interstate  
9 telephone calls demanding ransom money; the first one to  
10 Reno, the second two to Carson City, Nevada. And Count 6  
11 is the receiving, possessing and disposing of the \$239,985.

12 There is a little duplication in the Indictment in  
13 that Counts 3, 4, and 5, although they go into much more  
14 detail, are the same as overt acts 13, 17, and 18 as  
15 charged in the Indictment. In other words, overt act 13  
16 in the conspiracy count is spelled out in more detail as  
17 being Count 3 in the Indictment. Also, overt act 17 of the  
18 conspiracy count is Count 4 of the Indictment, and overt  
19 act 18 in the conspiracy count is Count 5 of the Indictment.

20 An opening statement made by counsel is, of course,  
21 not evidence. It is just a statement of what he anticipates  
22 or what it is anticipated will be proved by that side of  
23 the lawsuit. So what I am about to tell you in general  
24 terms is what the Government anticipates the proof to be  
25 in the case.



10  
1 We will show that prior to October 24, 1963, the  
2 kidnap plan was first conceived. You will note that is  
3 also the date of one of the overt acts in the Indictment;  
4 namely, the date that Barry Keenan wrote a letter, I believe  
5 is the way the overt act is alleged.

6 We will show that in Phoenix during the end of October  
7 and early November of 1963, that the plan was almost put  
8 into effect. It was started upon. Barry Keenan, using  
9 various aliases, using names like Larry Worthington, Larry  
10 Wortman, William Hall, went to Phoenix during that period  
11 of time, checked into a motel, rented a house under the  
12 name of William Hall, had a telephone put in under the  
13 name of William Hall, purchased two guns, two handguns,  
14 which we will produce here as part of the trial. He pur-  
15 chased those handguns, one under an assumed name. On the  
16 other one he gave no name. These were private sales, one  
17 from a gun shop, one from a private individual. This is  
18 in the end of October and the first week of November of  
19 1963.

20 We will then show that at that same period of time,  
21 in Phoenix, Arizona, Frank Sinatra, Jr. was appearing at  
22 the Arizona State Fair.

23 We move then into the middle of November. On November  
24 14, 1963, Barry Keenan, using the name of Frank Long,  
25 rented 8143 Mason Avenue out in Canoga Park, California.



11  
1 On the 19th of the same month, a telephone with an extension  
2 was installed at those premises, again using the name  
3 of Frank Long. During this period of time, namely, the  
4 middle portion of November, 1963, Frank Sinatra, Jr. was  
5 appearing at the Ambassador Hotel here in Los Angeles.  
6 He appeared here from November 20th to around January 1st.

7 In the early weeks of December, 1963, the Defendants  
8 had that residence at 8143 Mason Avenue in Canoga Park,  
9 and telephone calls, long distance telephone calls were made  
10 from the phone installed at that residence during the early  
11 portion of December, the first few days in December of 1963.  
12 From the first of January -- from the first of December of  
13 1963 on, later on into December, Frank Sinatra, Jr. was  
14 appearing up at a club up around Lake Tahoe as a performer.

15 We will show that on the 4th of December, 1963, the  
16 Defendants Barry Keenan and Joseph Clyde Amsler left Los  
17 Angeles, went from Los Angeles up to the Lake Tahoe area,  
18 stopped at Bishop, California, on their way up. When they  
19 got up there, they checked into a motel, using the names of  
20 Joseph Gardner and Robert Allen, supposedly working for a  
21 company known as Triangle Manufacturing. At that time  
22 when they got up there around the 5th of December, 1963,  
23 Frank Sinatra, Jr. was performing with the Tommy Dorsey  
24 Band at one of the clubs up there in that area.

25 We will show that on Sunday, December 8, 1963, somewhere





1 between 8:00 and 9:00 at night, Frank Sinatra, Jr. was in  
2 his room in a motel which is part of Harrah's Club. It's  
3 in the area of Stateline, California, on the California  
4 side, in Room 417 with another man, who is a trumpet  
5 player in the Tommy Dorsey Band named John Foss. The two  
6 of them were in Mr. Sinatra's room, received a telephone  
7 call inquiring for someone else, was told that that person  
8 wasn't there. Shortly after that, Barry Keenan and Joseph  
9 Clyde Ansler entered Mr. Sinatra's room, Room 417 at the  
10 motel, and on a pretext call to Mr. Sinatra, got inside  
11 of the room, each of them brandishing guns. We will show  
12 that the guns that they had were the same guns that were  
13 purchased over in Phoenix, Arizona, in the period of the  
14 end of October into the first week of November of 1963.  
15 At that time they bound and gagged John Foss. Mr. Sinatra  
16 was taken from the room and put into an automobile and  
17 driven away.

18 As the car drove off, it was snowing at that time in  
19 that area. Car tracks were visible going from California  
20 into Nevada. Roadblocks were set up, alarms were put out.  
21 The Defendants actually came to a roadblock. They got  
22 through the roadblock. When they got through the roadblock,  
23 apparently someone was in the trunk of the car. But they  
24 got through the roadblocks, came on down into California,  
25 and arrived in California early Monday morning.



1 I might point out the time of the roadblock. It was  
2 apparently Boston type conditions; some sort of a blizzard  
3 going on. It is late at night. They got through that road-  
4 block, and perhaps other roadblocks, and got down into  
5 California and went to the address of 8143 Mason Avenue in  
6 Canoga Park.

7 At the time when they took Frank Sinatra, Jr. into  
8 their custody and brought him down this way, Barry Keenan  
9 and Joseph Clyde Amsler had not checked out of their motel  
10 up in the Lake Tahoe area; so that on the following day,  
11 Mr. Keenan rented an automobile.

12 I might backtrack for just a moment. Prior to this,  
13 in April of 1963, Mr. Barry Keenan had a leased 1963  
14 Chevrolet. That vehicle is involved in the case.

15 On the 9th, Mr. Keenan, over at the Beverly Hilton  
16 Hotel, rented another 1963 Chevrolet. He drove that vehicle  
17 from Canoga Park up to Lake Tahoe, checked out, turned around  
18 and drove back. He was apparently alone. At the time of  
19 that trip, Mr. Amsler and Mr. Irwin had Mr. Frank Sinatra,  
20 Jr. in the 8143 Mason Avenue address in Canoga Park.

21 Then a series of telephone calls were made. Mr. Irwin  
22 was the speaker. He called -- the first call came through  
23 I believe on the -- and these calls are set forth chrono-  
24 logically in the Indictment. On Monday, December 9, 1963,  
25 at around 4:45 in the afternoon, the telephone call was made



1 through to Reno, Nevada. The call was made through to the  
2 father of Frank Sinatra, Jr.; namely, Frank Sinatra, Sr.  
3 Then there are a series of telephone calls. I won't go  
4 into detail on each of the calls. They are set forth --  
5 a number of them are set forth as overt acts in the first  
6 count of the Indictment.

7 On the following morning, 9:05 in the morning, Mr.  
8 Irwin again telephoned up to Frank Sinatra, Sr., who was  
9 at the Mapes Hotel at that time, talked with Senior, and  
10 also allowed Junior to talk to Senior on the telephone at  
11 that time. It was during that first call that the victim  
12 talked to his father that the statement was made that  
13 "We are holding the boy for money.", but no details were  
14 given at that time.

15 Then on December 10th, later on in the morning, at  
16 11:40, Mr. Frank Sinatra, Sr. was not in his room, but a  
17 telephone call came through from Mr. Irwin; and with Mr.  
18 Sinatra was a gentleman named Mr. Milton Rudin, Mr. Sinatra's  
19 attorney. He took that call, and he gets involved in  
20 several other telephone calls.

21 Eventually, a call came through to talk to Mr. Sinatra,  
22 Sr., and he was directed to go to a gas station. Now,  
23 there is some confusion on these gas station calls.  
24 Apparently, in the telephone directory that covers Carson  
25 City, it also covers Reno; and one has to be familiar with



1 the book to distinguish which city.

2 Based on a telephone call, Senior was sent to a  
3 particular gas station, to a particular phone at that gas  
4 station. He apparently went to the wrong one, or else was  
5 directed to the wrong one, because then there was a series  
6 of calls from Mr. Irwin, first to a gas station asking for  
7 Frank Sinatra, Sr., and he was not there. Then calls to  
8 the Mapes Hotel and a conversation with Mr. Ruden stating  
9 that there had been a mistake; he was sent to Reno when he  
10 should have gone to Carson City. Eventually Mr. Sinatra  
11 went to the correct gas station in Carson City, at which  
12 time Mr. Irwin called him at that gas station. They talked  
13 for a matter of a few moments, and the demands were actually  
14 made for the delivery of ransom money, and some detail was  
15 gone into on ransom money.

16 After talking for a short period of time with Mr.  
17 Sinatra, the conversation was not over. Mr. Sinatra was  
18 directed to hang up and proceed to another gas station.  
19 The first gas station was Ron's. The second gas station  
20 he was ordered to proceed to was Oxby's, both of which are  
21 in Carson City. Both of those telephone calls, the call to  
22 Ron's and the call to Oxby's in Carson City, make up the  
23 Counts 4 and 5 in the Indictment. On each of those calls,  
24 the specific amount, type of bills, details of that nature  
25 were given to Frank Sinatra, Sr. He was also instructed to







1 return to Los Angeles and go to the home of his former wife  
2 in Bellair. Mr. Sinatra in fact did. He went to his former  
3 wife's home.

4 That takes us down further into overt act 19. On that  
5 night, which is still December 10, 1963, just before 9:30,  
6 Mr. Sinatra at the Bellair residence received another tele-  
7 phone call, this time directing him to go to another gas  
8 station. He went to the gas station, received another call,  
9 and was advised to have the money and also advised that a  
10 courier could take over, and his courier was directed out  
11 to the airport terminal. At that stage Mr. Sinatra returned  
12 back to the Bellair residence, and a courier acted from that  
13 point on for Frank Sinatra, Sr. We have produced the courier,  
14 of course, as a witness. He was an FBI Agent by the name of  
15 Jerry Crow. He went to the airport out to the Western  
16 Airlines Terminal to a predescribed phone location and a  
17 predescribed code was used. The code word was used, but  
18 this was all given on the prior calls. The code was used.  
19 Mr. Crow had to answer a certain way, and then they continued  
20 to talk. He was then directed to another gas station where  
21 he took another telephone call directly from there to another  
22 gas station; and during this period of time Mr. Crow was  
23 carrying a valise which, although the demands were for  
24 \$240,000 in certain denomination bills, he had in the  
25 valise \$239,985. The amount demanded as compared to the



1 amount being carried at this stage was \$15 short.

2 At the last described gas station, Mr. Crow was  
3 directed to leave the valise in a certain location. The  
4 valise was left in that location, and although this started  
5 in the early evening around 9:30 in Los Angeles, by this  
6 time we have the trip to the gas stations, to the airport,  
7 to the series of gas stations, and finally the valise  
8 is left off. We have now passed midnight, so we are now  
9 on to the next day, which is December 11, 1963.

10 The money in the valise was in fact picked up. All  
11 during that period of time, Mr. Irwin -- this period of  
12 time when these calls were being made, Mr. Irwin was  
13 guarding Frank Sinatra, Jr. over at the 8143 Mason Avenue  
14 address. When the money was picked up, Mr. Irwin took Mr.  
15 Sinatra, Jr. in his vehicle, a '57 Plymouth, drove it from  
16 Mason Avenue, left the victim off unharmed at the offramp  
17 of Mulholland Drive off the San Diego freeway. The victim  
18 walked from there.

19 Frank Sinatra, Sr. received another phone call. He  
20 was advised that his son had been released unharmed. A  
21 period of time after that, the father and son were joined  
22 together.

23 On the morning of the 13th, which was Friday, December  
24 13, 1963, the Defendant Mr. Irwin, acting through his  
25 brother down in San Diego, surrendered himself into the



1 custody of the FBI. At that time Mr. Irwin had in his  
2 possession just under \$48,000 of the known money that was  
3 put in the valise.

4 I might back up for just a moment. I will say \$240,000,  
5 asking you to keep in mind that it is actually Fifteen dollars  
6 less than that that was put in the valise. Of the money  
7 that was put in the valise, certain steps were taken, taking  
8 serial numbers, things of that nature, so that the money  
9 could be subsequently identified.

10 On the morning of Friday the 13th, when Mr. Irwin  
11 surrendered himself into the custody of the FBI, as I say,  
12 he had just under \$48,000 of that known money in his posses-  
13 sion which he turned over to the FBI at that time. That  
14 night, the night of Friday, December the 13th, and into  
15 the early morning of Saturday, December the 14th, the  
16 Defendants Keenan and Amsler were taken into custody by  
17 the FBI, and during that period of time an additional  
18 \$168,000 -- I'm using round figures -- was recovered, and  
19 this money is also of the known serial numbers that was part  
20 of the money put in the valise. Shortly following that,  
21 additional amounts of money were recovered in various loc-  
22 ations in the City of Los Angeles.

23 The handguns, both guns were recovered by the FBI;  
24 one of the guns recovered here in Los Angeles, another one  
25 of the guns was recovered by the FBI alongside of a road



up in Nevada apparently in the vicinity of where the road-block was. That gun will be produced as well as the agents who found the gun, where they found it, how they found it.

Documentary evidence will be introduced; foundation type documents, phone installations, where installed, under what name, telephone records showing telephone calls being made, particularly long distance calls. We will be able to show, for instance, that the telephone calls that were made to Sinatra, Sr. and some taken by his attorney, Mr. Rudin, up in Reno and in Carson City, that those calls were all made from 8143 Mason Avenue, Canoga Park, California. So we will have records of that type; hotel records, telephone company records, automobile leasing records. We will have the guns, we will have expert testimony, and we will have testimony of people who knew and dealt with the defendants during this case.

I will wrap it up, if I may, by making one statement, a statement I have already made, actually; that there are six counts in the Indictment. In each of the six counts, there are essential elements, there are material allegations, all of which, of course, the defendants, by their plea of not guilty, put in issue. It is the Government's intention to prove each and every essential element of each of the six counts charged in the Indictment.

Thank you, Your Honor.

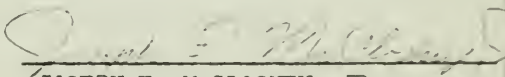




20  
REPORTER'S CERTIFICATE

1  
2  
3 I, the undersigned, Joseph F. McCloskey, Jr.,  
4 Official Court Reporter of the United States District Court,  
5 for the District of Oregon, do hereby certify that on the  
6 date set forth on the title page of this transcript, I  
7 reported in stenotype the proceedings occurred in the tran-  
8 script appended hereto; that I thereafter caused my steno-  
9 type notes to be reduced to typewriting under my direction,  
10 and that the foregoing transcript, consisting of Pages 2  
11 to 19, both inclusive, constitutes a full, true and accurate  
12 transcript of said proceedings so reported by me on said  
13 dates as aforesaid.

14 Dated at Portland, Oregon, this 22 day of  
15 May, 1967.

16  
17   
18 JOSEPH F. McCLOSKEY, JR.  
19 Official Court Reporter  
20  
21  
22  
23  
24  
25



## APPENDIX "A"

Before the case went to trial the fact that this was a noncapital case was thoroughly understood between the United States Attorney, defense counsel, and the trial judge.

Three weeks before trial commenced defense counsel stated to the court that "As far as the facts of the particular offense that is alleged, we know that the kidnaped was returned unharmed . . ."; that "there has been no injury to anyone involved in this matter . . .". The United States Attorney stated to the court that "The crimes charged in this indictment are . . . extremely serious. There is a possible life sentence that is involved in at least one count of this indictment." R. T. January 20, 1964, pp. 72-77. Defense counsel again during pre-trial proceedings in connection with a bail reduction motion advised Judge East that no one was physically injured and the prosecutor advised the court as follows: "Now, the offense charged . . . is an offense that carries a possible life sentence . . . a capital offense would be the only crime that would be more serious." Vol. II, Motion to Suppress, pp. 304-312 (emphasis added). The trial judge was also apprised before trial that no possibility of a death sentence was involved in the case not only by virtue of the clear understanding of all counsel and the court as above stated but by the silence of all defense counsel with respect to invoking any application of Section 3432 (see Amsler's Motion for Reduction of Bail January 22, 1964, p. 3, Ex. 61, pp. 17, 19, 21) and by advice to the court by defense counsel in which they indicated their position that the benefits of Section 3432 were not sought. Thus, Amsler's counsel, when Judge East heard Irwin's motion for the right



to inspect the prospective jury list, stated to the court " . . . Well, Your Honor, the practice of the jury list has varied from district to district. . . . However, it is a matter of discretion. . . ." (emphasis added) R. T. January 20, 1964, p. 28. When the court directed the Government to provide a list of witnesses Government counsel, responsive to a request of the defense, not under Section 3432 but under Brady v. Maryland, the following colloquy occurred between Government counsel and the court with respect to the witness list:

"Mr. Sheridan: Your Honor, I might say that the court's offer of pre-trial here is . . . not compulsory. I mean there is no statute that compels the court to do it.

"The Court: We certainly have no statute about it."

Vol. IV R. T. January 31, 1964, pp. 510 lines 22-25; see also pp. 504-509; 511-515; emphasis added).

Although the entire record was designated by counsel on appeal, apparently the Government's opening statement was never transcribed or included in the record on appeal. The prosecutor stated:

"When you were sworn in as jurors and when you were first called as prospective jurors, the Court outlined to you in general the Indictment. I am going to take this moment to read the Indictment to you, because it is the Government's intention to prove each and every essential allegation and each of the six counts of the Indictment."

He read the indictment, including Count Two, to the jury and



after his stating that an opening statement is " . . . a statement of . . .  
what it is anticipated will be proved by that side of the lawsuit. So  
what I am about to tell you in general terms is what the Government  
anticipates the proof to be in the case." The prosecutor told the jury  
that defendant Irwin " . . . left the victim off unharmd at the offramp  
of Mulholland Drive". . . and that "Frank Sinatra, Sr. received another  
phone call. He was advised that his son had been released unharmd  
. . ." (Government's opening statement at pp. 1, 6, 9, 17. The full  
ext of the opening statement is attached hereto as Appendix A-1).





## APPENDIX "B"

Irwin and Amsler received a list of witnesses five days before trial and the list of veniremen the day of trial [R. T. February 5, 1964, pp. 7-18; February 10, 1964, p. 94]. To suggest substantial prejudice would be to speculate that a conscientious jury did not follow the court's instructions and forms of verdict which, together with the pre-trial and trial record, completely confirm Judge East's "informed decisions" before the trial started to conduct the trial as a non-capital case T.S. 4246-4247, 4275-78; C.T. 182, 329; Ex. 160; Testimony of Sinatra, Jr. R.T. 626. See also Vol. 18 R.T. 4114, line 25, 4117, lines 1-5; 4124, 4126-4127, 4131, 4138, 4162, 4184-4185. See Appendix "A" and A-1].

